

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Federal Home Loan Mortgage Corporation,

Plaintiff,

v.

Civil No. 13-2634 (JNE/JSM)
ORDER

Kelly E. Hood, Lisa G. Hood, John Doe, and
Mary Roe,

Defendants.

Federal Home Loan Mortgage Corporation brought this eviction action in state court. Kelly Hood and Lisa Hood removed the action from state court. Later, the clerk entered the Hoods' defaults. *See* Fed. R. Civ. P. 55(a). The Hoods filed a motion to set aside default judgment,¹ and Federal Home Loan Mortgage Corporation moved for default judgment or summary judgment. In a Report and Recommendation dated February 13, 2014, the Honorable Janie S. Mayeron, United States Magistrate Judge, recommended that the action be remanded to state court. The magistrate judge declined to consider the Hoods' and Federal Home Loan Mortgage Corporation's motions. No objection to the Report and Recommendation has been filed. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). The Court acknowledges that it has subject-matter jurisdiction over this action. *See Fed. Home Loan Mortg. Corp. v. Briggs*, No. 13-3197, 2014 WL 750256, at *1 (8th Cir. Feb. 27, 2014) (per curiam). For the reasons set forth in the Report and Recommendation, the Court abstains from

¹ The Hoods cited Rule 60(b) of the Federal Rules of Civil Procedure. It appears that the Hoods moved to set aside their defaults. *See* Fed. R. Civ. P. 55(c).

exercising jurisdiction over the action. *See id.* The Court accepts the recommendation that this action be remanded to state court. The Court declines to consider the Hoods' and Federal Home Loan Mortgage Corporation's motions.

After the deadline to object to the Report and Recommendation had passed, the Hoods' attorney filed a motion to withdraw without substitution of counsel. The attorney has not demonstrated that she notified the Hoods of the motion. The Court therefore denies the motion. *See* D. Minn. LR 83.7(c) ("An attorney who seeks to withdraw otherwise than under LR 83.7(a) or (b) must move to withdraw and must show good cause. The attorney must notify his or her client of the motion.").

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. This action is REMANDED to the Minnesota District Court, Fourth Judicial District.
2. The Clerk of Court shall send a certified copy of this Order to the clerk of the Minnesota District Court, Fourth Judicial District.
3. The Motion to Withdraw as Counsel Without Substitution [Docket No. 25] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 11, 2014

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge